

PROB 12C
(REV. 12/04)**FILED****UNITED STATES DISTRICT COURT**

OCT 10 2024

for

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY CLERKWESTERN DISTRICT OF TEXAS**Petition for Warrant or Summons for Offender Under Supervision**Name of Offender: Johnny Emerson Case Number: DR:21-CR-00632(01)-AMName of Sentencing Judicial Officer: Honorable Alia Moses, Chief United States District JudgeDate of Original Sentence: November 28, 2023Original Offense: Illegal Alien Transportation, in violation of 8 U.S.C. § 1324Original Sentence: Thirty (30) months imprisonment to be followed by three (3) years of supervised release.Type of Supervision: Supervised Release Date Supervision Commenced: March 15, 2024Assistant U.S. Attorney: Alexander Eugene Brown Defense Attorney: Joseph Anthony Cordova**PREVIOUS COURT ACTION**

None.

PETITIONING THE COURT

- ☒ To issue a warrant
☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1.	<u>Mandatory Condition No. 2:</u> The defendant shall not unlawfully possess a controlled substance.
2.	<u>Mandatory Condition No. 3:</u> The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release on probation or supervised release and at least two periodic drug test thereafter (as determined by the court), but the condition stated in this paragraph may be ameliorated or suspended by the court if the defendant's presentence report or other reliable sentencing information indicates low risk of future substance abuse by the defendant.
3.	<u>Special Condition:</u> The defendant shall abstain from the use of alcohol and any and all intoxicants.

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4. **Special Condition:** The defendant shall not use or possess any controlled substances without a valid prescription. If a valid prescription exists, the defendant must disclose the prescription information to the probation officer and follow the instructions on the prescription.
5. **Special Condition:** The defendant shall not knowingly purchase, possess, distribute, administer, or otherwise use any psychoactive substances (e.g., synthetic marijuana, bath salts, mushrooms etc.) that impair a person's physical or mental functioning, whether or not intended for human consumption.

On May 28, 2024, Mr. Emerson submitted a random urine specimen which yielded positive results for amphetamines. Mr. Emerson admitted to the use of methamphetamine and signed an admission form. The sample was sent to the national lab for confirmation, which yielded a positive result for methamphetamine.

On May 29, 2024, Mr. Emerson submitted a random urine specimen which yielded positive results for amphetamines. Mr. Emerson admitted to the use of methamphetamine and signed an admission form.

On September 3, 2024, Mr. Emerson submitted a random urine specimen which yielded positive results for amphetamines. The sample was sent to the national lab for confirmation which returned a positive result for methamphetamine.

On September 18, 2024, Mr. Emerson submitted a random urine specimen which yielded positive results for amphetamines. On September 27, 2024, the sample was sent to the national lab for confirmation and remains pending for confirmation.

6. **Special Condition:** The defendant shall participate in a substance abuse treatment program and follow the rules and regulations of that program. The program shall include testing and examination to determine if the defendant has reverted to the use of drugs and alcohol. The probation officer shall supervise the participation in the program (provider, location, modality, duration, intensity, etc.). The defendant shall pay the costs of such treatment if financially able.
7. **Special Condition:** The defendant shall submit to substance abuse testing to determine if the defendant has used a prohibited substance. The defendant shall not attempt to obstruct or tamper with the testing methods. The defendant shall pay the costs of testing if financially able.

Mr. Emerson failed to submit to urinalysis testing via the COMPLY system on August 21, 2024.

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U.S. Probation Officer Recommendation: On March 15, 2024, Mr. Emerson commenced his three-year term of supervised release in the San Antonio division. Mr. Emerson is a Criminal History Category III offender with a criminal history consisting of assault family violence, Criminal Impersonation and most concerning, his second federal conviction for Illegal Alien Transportation. Additionally, Mr. Emerson was revoked on his first federal conviction due to the commission of the instant offense.

Due to his egregious drug history, Mr. Emerson was referred to Veterans Administration to commence drug treatment as well as mental health treatment; however, with his recent positive test for methamphetamine, it is evident Mr. Emerson is not interested in long term sobriety.

It appears Mr. Emerson is unwilling to change his thinking errors and behaviors, even though he was given numerous opportunities to maintain a positive lifestyle. Considering his continued drug use and not seeking guidance from his probation officer, the probation office respectfully recommends a petition for warrant be filed and a warrant be issued for his arrest.

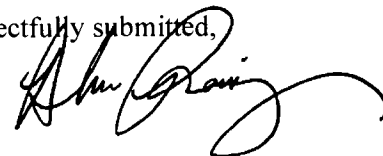
- ☒ The term of supervision should be
- ☒ revoked. (Maximum penalty: 2 years imprisonment; 3 years supervised release; and payment of any unsatisfied monetary sanction previously imposed)
- ☐ extended for ___ years, for a total term of ___ years.
- ☐ The conditions of supervision should be modified as follows:

Approved:



Arthur R. Galvan
 Supervising U.S. Probation Officer
 Telephone: (210) 472-6590, Ext. 5315

Respectfully submitted,



Adrian Ramirez
 U.S. Probation Officer
 Telephone: (210) 472-6590, Ext. 5402
 Date: October 1, 2024

Approved:



Katherine M. Gorski
 Supervisory Assistant U.S. Attorney
 City Chief, Del Rio Division

cc: Ekua Assabill
 Deputy City Chief, U.S. Attorney's Office

Brenda Trejo-Olivarri
 Assistant Deputy Chief U.S. Probation Office

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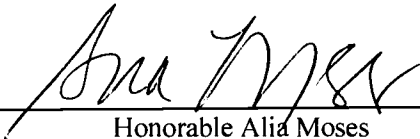
THE COURT ORDERS:

☐ No action.

☒ The issuance of a WARRANT. Bond is set in the amount of \$ Detain cash/surety with supervision
by the United States Probation Office to continue as a condition of release.

☐ The issuance of a SUMMONS.

☐ Other _____



Honorable Alia Moses

Chief U.S. District Judge

10/10/24

Date